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8 UNITED STATES BANKRUPTCY COURT

9 FOR THE DISTRICT OF OREGON

10 In re

11 Philip Michael Goldfeld and Anne Ashton
Goldfeld,

12 Debtors.

13 STATE OF OREGON, Department of Human
14 Services,

15 Plaintiff,

16 v.

17 Anne Ashton Goldfeld, aka Annee von Borg,

18 Defendant.

Chapter No. 7

Case No. 15-34500-rld7

Adversary Proceeding
No.

COMPLAINT FOR DETERMINATION
OF DISCHARGEABILITY

19 Plaintiff alleges:

20 1

21 This is an adversary proceeding to determine the dischargeability of a debt pursuant to
22 11 U.S.C. § 523 (a)(2). Jurisdiction is based upon 28 U.S.C. §§ 157 and 1334. This is a core
23 proceeding as defined in 28 U.S.C. § 157 (b) (2) (I).

24 2

25 Plaintiff, State of Oregon, Department of Human Services, is the Oregon State agency
26 charged with administering public assistance and food stamp benefit programs. Under

1 ORS 411.620 (1), plaintiff is entitled to recover benefit overpayments, plus interest and costs and
2 disbursements.

3 3

4 Pursuant to ORS 82.010, plaintiff is entitled to interest on any overpayment from the due
5 date at the rate of 9 percent per annum.

6 4

7 During the time period from March 1, 2013 through December 31, 2014, defendant Anne
8 Ashton Goldfeld, aka Annee von Borg, at her special insistence and request, received food stamp
9 benefits from plaintiff, and public assistance benefits from plaintiff through the Temporary
10 Assistance for Needy Families program (TANF).

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12 During a portion of the time period described in paragraph 4 of this complaint, Samantha
13 Goldfeld was a member of defendant's household and had earnings from her employment with
14 the City of Hillsboro. During this time period, defendant Anne Ashton Goldfeld, aka Annee von
15 Borg had income from her self-employment as a personal assistant for Dr. Beverlee Marks-Taub.

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17 During the time period described in paragraph 4 of this complaint, defendant knowingly
18 made affirmative, material false representations to plaintiff that there was insufficient income
19 with which to meet the needs of the family.

20 7

21 During the time period described in paragraph 4 of this complaint, defendant had a duty
22 to accurately report the earnings of all household members to plaintiff while receiving food
23 stamps and public assistance benefits. Defendant failed to report the earnings of Samantha
24 Goldfeld from her employment with the City of Hillsboro, and failed to report her income from
25 her self-employment as a personal assistant for Dr. Beverlee Marks-Taub. This constituted

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1 continuing material false representations that there was insufficient income with which to meet
2 the needs of the family.

3 8

4 Plaintiff acted in reliance upon the defendant's material false representations and
5 omissions and provided her with food stamps in the amount of \$12,166.00 that she was not
6 entitled to receive, of which \$150.00 has been recovered, and public assistance through the
7 TANF program in the in the amount of \$18,526.00 that she was not entitled to receive, of which
8 none has been recovered. This debt is not dischargeable in bankruptcy pursuant to
9 11 U.S.C. § 523(a)(2).

10 9

11 Taking into account offsets applied, the amount due to plaintiff from defendant is
12 approximately \$30,542.00.

13 WHEREFORE, plaintiff prays for an order and judgment of the above-entitled court as
14 follows:

15 (1) That the claims of the plaintiff, State of Oregon, Department of Human Services,
16 against defendant Anne Ashton Goldfeld, aka Annee von Borg, as described in the complaint
17 herein, plus 9 percent interest from December 16, 2015, are not dischargeable in bankruptcy
18 pursuant to 11 U.S.C. § 523(a)(2);

19 (2) That plaintiff be awarded judgment against defendant for its costs and
20 disbursements incurred herein in the amount of \$350.00;

21 (4) That plaintiff be awarded interest on the judgment amount of \$350.00 for
22 plaintiff's costs and disbursements incurred herein at the federal statutory rate, which judgment
23 is not dischargeable in bankruptcy under 11 U.S.C. § 523(a)(2); and,

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1 (5) For such other and further relief as the Court deems just and proper.

2 ELLEN F. ROSENBLUM
3 Attorney General

4 /s/ Kristen A. Gilman
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